

REMARKS

In accordance with the foregoing, the claims **1** and **5** have been amended, the claims **4** and **6** have been cancelled. Therefore, claims **1-3, 5** and **7** are pending and under reconsideration, which is respectfully requested.

No new matter has been added and accordingly, entry and approval of the claims **1** and **5** is respectfully requested.

STATUS OF THE CLAIMS:

Claims **1-7** are rejected.

Claims **1** and **5** are amended.

Claims **4** and **6** are cancelled.

Claims **1-3, 5** and **7** are pending.

ITEMS 1-2: REJECTION OF CLAIMS 1-3 AND 5-7 UNDER 35 U.S.C. 102(b) AS BEING ANTICIPATED BY ENOKIDA et al. (JP 2003-261695); REJECTION OF CLAIM 4 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER ENOKIDA et al. (JP 2003-261695) IN VIEW OF TAKAHASHI et al. (US 6,238,793).

The examiner insists that "Regarding claim **1**: **Enokida et al.** teaches a composite material comprising a sheet silicate organically modified with an onium salt in an amount of **0.1 to 1 wt%**; and polyethylene glycol dispersibility improvers (non-ionic surfactants) in an amount of **0.01 to 1 wt%** (the ratio of silicate to surfactant overlaps the claimed range and therefore anticipates it)". In other words, the Examiner believes **Enokida et al.** discloses effects of an auxiliary agent on dispersing an organically modified layered silicate and an aliphatic polyester when combined with each other. However, **Enokida et al.** does not disclose any example of a nonionic surfactant.

The examiner insists that "**Takahashi et al.** teaches a thermoplastic composites comprising lamellar silicates (1:10-24) and non-ionic surfactants". The Examiner apparently believes **Takahashi et al.** discloses a nonionic surfactant, and demonstrates its effect on polyethylene. However, the effect of a dispersing auxiliary agent remarkably changes depending on the kind of resin and/or layered silicate. Therefore, it is improper to assume that the

Takahashi et al. surfactant will necessarily exhibit a similar effect on the aliphatic polyester of **Enokida et al.**

However, **Enokida et al.** does not disclose or suggest that the features of **organic onium salt selecting from the group consisting of hardened tallow diethanolamine, dodecyldiethanolamine, methyl octadecyl dihydroxyethyl ammonium chloride, methyl dodecyl dihydroxypropyl ammonium chloride, polyoxyethylene octadecyl dimethyl ammonium chloride and methyl dipolyoxypropylene octadecyl ammonium chloride** (as disclosed in paragraph [0017] of the specification), as well as **polyoxyethylene alkyl ether as the nonionic surfactant**, which have been amended to incorporate into independent claim 1, as shown in above listing of the claims.

In addition, **Takahashi et al.** does not disclose or suggest that the features of **organic onium salt selecting from the group consisting of hardened tallow diethanolamine, dodecyldiethanolamine, methyl octadecyl dihydroxyethyl ammonium chloride, methyl dodecyl dihydroxypropyl ammonium chloride, polyoxyethylene octadecyl dimethyl ammonium chloride and methyl dipolyoxypropylene octadecyl ammonium chloride** (as disclosed in paragraph [0017] of the specification) at all.

Therefore, independent claim 1 is not anticipated by either **Enokida et al.** or **Takahashi et al.**, and is not obvious over **Enokida et al.** in view of **Takahashi et al.**.

As recited above, dependent claim 4 has been cancelled. Accordingly, the rejection of claim 4 under 35 U.S.C 103(a) should be withdrawn.

Accordingly, amended independent claim 1 is in the condition of allowance, as well as the allowance of depending claims 2-3, 5 and 7 is respectfully requested.

ITEM 3: DOUBLE PATENTING REJECTION.

In the outstanding Office Action, the Examiner states that "Claims 1-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 and 10-17 of copending Application No. 11/662,197.

To overcome this double patenting rejection, terminal disclaimer is submitted herewith. Accordingly, it is respectfully requested that the double patenting rejection should be withdrawn.

CONCLUSION

Thus, it is believed that all rejections have been removed, and the present application is now in condition for allowance.

Reconsideration and early favorable action on the claims are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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